

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION

ADAM GAYAR,	:	Case NO. 1:17-CV-447
	:	
Plaintiff,	:	Judge Susan J. Dlott
	:	
v.	:	
	:	
UNIVERSITY OF CINCINNATI	:	
COLLEGE OF MEDICINE,	:	
	:	<u>JOINT DISCOVERY PLAN</u>
Defendant.	:	

Now come all parties to this case, by and through their respective counsel, and hereby jointly submit to the Court this Joint Discovery Plan, pursuant to the Court's Pretrial Procedure Outline. The parties conducted their discovery conference on October 9, 2017.

1. **MAGISTRATE CONSENT**

The parties:

- ☐ unanimously consent to the jurisdiction of the United States Magistrate Judge pursuant to 28 U.S.C. § 636 (c).
- ☒ do not unanimously consent to the jurisdiction of the United States Magistrate Judge pursuant to 28 U.S.C. § 636 (c).
- ☐ unanimously give consent to the jurisdiction of the United States Magistrate Judge pursuant to 28 U.S.C. § 636 (c), for trial purposes only, in the event that the District Judge assigned is unavailable on the date set for trial (e.g. because of other trial settings, civil or criminal).

2. **RULE 26(A) DISCLOSURES**

- ☐ There are no changes that need to be made in the timing, form, or requirement for disclosures under Rule 26(a). All disclosures required by Rule 26(a)(1) have been made by the parties hereto or will be made by the time of the scheduled Preliminary Pretrial Conference.
- X The parties agree to delay the initial disclosure until November 10, 2017. The purpose of delay is
 - ☐ to give the Court time to rule on the pending dispositive motion.
 - X to allow the parties to gather information.

3. **DISCOVERY ISSUES AND DATES**

- A. Describe the subjects on which discovery is to be sought and the nature, extent, and scope of discovery that each party needs to: (1) make a settlement evaluation; (ii) prepare for case dispositive motions; and (iii) prepare for trial.

Plaintiff's claims and damages and Defendant's defenses.

- B. Discovery of Electronically Stored Information. The parties have discussed disclosure, discovery, and preservation of electronically stored information, including the form or forms in which it should be produced.

_____X_____ Yes

_____ No

- (i) The parties have electronically stored information in the following formats:

The parties agree that any electronically stored information will be produced either in hard copy or in an image format. When hard copies or image files are produced, the producing party will preserve the integrity of the electronic documents' contents. After initial production in hard copy or image format is complete, a party desiring electronic documents in native file format must demonstrate a particularized need for such production.

- (ii) The case presents the following issues relating to disclosure, discovery, or preservation of electronically stored information, including the form or forms in which it should be produced:

No known issues.

- C. Claims of Privilege or Protection. The parties have discussed issues regarding the protection of information by a privilege or the work-product doctrine, including whether the parties agree to a procedure to assert these claims after production or have any other agreements under Fed. R. Evid. 502.

 X Yes

 No

- (i) The case presents the following issues relating to claims of a privilege or of protection as trial preparation materials:

The parties agree that any privileged materials or attorney work product that is inadvertently disclosed will be immediately returned to the producing party without retaining any copies if, after review, the materials appear on their face to be privileged or attorney work product or if notice of the inadvertent production is given within 30 days of production. The parties will present any dispute over disclosure or production of privileged materials or attorney work product to the Court for decision, after making good faith efforts to resolve the dispute.

- (ii) Have the parties agreed on a procedure to assert such claims AFTER production?

 X Yes

 No

 Yes, and the parties ask that the Court include the following agreement in the scheduling order:

- D. The parties recommend that discovery

☒ need not be bifurcated

☐ should be bifurcated between liability and damages

- ☐ should be bifurcated between factual and expert
- ☐ should be limited in some fashion or focused upon particular issues which relate to _____
- E. Disclosure and report of plaintiff expert(s) by February 28, 2018.
- F. Disclosure and report of defendant expert(s) by April 13, 2018.
- G. Discovery cutoff: June 29, 2018.
- H. Anticipated discovery problems
 - ☐ _____
 - X None

4. **LIMITATIONS ON DISCOVERY**

- A. Changes in the limitations on discovery
 - ☐ Extension of time limitations (currently one day of seven hours) in taking of depositions to _____.
 - ☐ Extension of number of depositions (currently 10) permitted to _____.
 - ☐ Extension of number of interrogatories (currently 25) to _____.
 - ☐ Other: _____.
 - X None
- B. Protective Order
 - X A protective order will likely be submitted to the Court on or before November 24, 2017.
 - ☐ The parties currently do not anticipate the need for a protective order. If the parties subsequently deem that one is necessary, they will submit a joint proposed order to the Court. Such order will be in compliance with *Shane Group, Inc. v. Blue Cross Blue Shield of Michigan*, 825 F.3d 299 (6th Cir. 2016).

5. **OTHER COURT ORDERS UNDER RULE 26(C) OR RULE 16(B) AND (C)**

- A. Deadline to amend the pleadings: November 17, 2017.
- B. Dispositive motion deadline: August 31, 2018.

Respectfully submitted,

MICHAEL DEWINE
Attorney General of Ohio

/s/ Marc D. Mezibov (email consent on 10/9/17)

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CERTIFICATE OF SERVICE

I hereby certify that on October 20, 2017, I electronically filed a copy of the Joint Discovery Plan with the Clerk of the Court using the CM/ECF system which will send notification of such filing to the following:

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/s/Doreen Canton